

**TEXAS DEPARTMENT OF HEALTH**  
**Office of Equal Opportunity**

**POLICY:** It is the policy of the Texas Department of Health (TDH) to comply with all applicable federal and state non-discriminatory statutes, regulations and guidelines. It is also the policy of TDH to ensure compliance with all applicable civil rights statutes, regulations and guidelines by all contractors, subcontractors, and other persons or entities holding or who have held contractual or other arrangements with TDH to provide goods, supplies and services, or for the use of real or personal property, including lease arrangements.

It is also the policy of TDH to take necessary steps, including periodic training, to ensure that staff fully understands the responsibilities under Title VI and Section 504. TDH will ensure that programs who have contracts providing services to beneficiaries are aware of ethnic, cultural and language differences, as well as physical, sensory and mental impairments of persons with disabilities which may impact the delivery of services.

**What is Title VI?**

Title VI of the Civil Rights Act of 1964 protects individuals from discrimination based on race, color or national origin in the provision of programs and services (client driven).

**What is Section 504?**

Section 504 of the Rehabilitation Act of 1973 is the federal law that requires nondiscrimination of (handicapped) persons with disabilities in programs receiving federal assistance. State and local governments receiving any federal funding must be in compliance with Section 504.

**What is ADA?**

The Americans with Disabilities Act (ADA) of 1990, prohibits discrimination on the basis of disability in the area of employment (Title I). It also requires that state and local governments (Title II), as well as private employers (Title III) with 15 or more employees, provide access to programs and services. It includes architectural accessibility requirements for new construction, and alterations or renovations to existing buildings. In addition, the ADA requires effective communication for people with disabilities, reasonable modification of policies, practices and eligibility criteria that may be restrictive or prevents access to programs or services.

**Who enforces the ADA?**

The Department of Justice (DOJ) has authority to issue regulations for Title II and III of the ADA and to provide technical assistance and enforcement. The Department also has authority to certify that a state or local accessibility code is equivalent to the ADA requirements for new construction and alterations. The Texas Accessibility Standards have been certified and designated equivalent to the ADA requirements.

**How do we define discrimination?**

There are two kinds of discrimination disparate treatment and disparate impact (adverse impact).

A. Disparate treatment occurs when a person, intentionally excludes an individual(s) from participation in, or denies him or her any aid, care, service, or other benefits of a program service on the basis of color, race or national origin.

B. Disparate Impact (Adverse impact) occurs when neutral policies, procedures and practices which are applied even-handedly to all applicants or recipients, but have the effect of disproportionately excluding individuals of a particular class or group protected by Title VI/Section 504 or ADA.

## **WHAT TDH CONTRACTORS AND SUB-CONTRACTORS NEED TO KNOW ABOUT CIVIL RIGHTS OBLIGATIONS**

TDH contractors are required to inform all recipients of their rights and responsibilities under Title VI/Section 504 and ADA. They should also take the necessary steps to ensure full participation of program recipients and their right to file complaints and where to file such complaints.

Contractors and sub-contractors are required to add nondiscrimination statements on all publications, posters, pamphlets and informational materials. Nondiscrimination statements should be included in radio and television announcements, bulletins and newspapers.

Contractors and subcontractors must be made aware of the proper complaints procedures and have appropriate guidelines in place for handling civil rights complaints.

Each contractor and subcontractors will be required to evaluate its policies and practices and modify policies and practices that do not meet nondiscrimination requirements.

Both TDH programs and contractors must make sure that programs when viewed in their entirety are readily accessible for individuals with disabilities. TDH and contractors must provide information and other materials in languages other than English, as needed to prevent barriers to participation.

Each contractor under Title VI/Section 504/ADA shall keep records and submit timely, complete and accurate compliance reports as required by the agency to determine compliance with Title VI/504 and ADA.

Procedures for filing complaints of discrimination under Title VI/Section 504/ADA;

1. Any person alleging discrimination on the basis of race, color or national origin or disability has a right to file a complaint within 180 days of the alleged discrimination action.
2. It is the responsibility of the contractor to provide appropriate information regarding how to file a complaint.
3. The Office of Equal Opportunity's complaint form can assist the clients/beneficiaries in filing a complaint of discrimination should the need arises.

OEO is required to conduct compliance reviews of each contractor to ensure compliance with Title VI/504 and ADA.

**COMPLAINT:** A verbal or written allegation of discrimination which indicates that the programs are administrated or operated in such a manner that results in disparity of treatment or delivery of benefits or services provided to their race, color or national origin.

**COMPLAINANT:** Any person or groups of persons that allege discrimination on the basis of race, color or national origin in the delivery of program benefits and services by a federally funded agency and its contractors.

TEXAS DEPARTMENT OF HEALTH  
TITLE VI & SECTION 504 /ADA COMPLAINT FORM

If you believe you have been discriminated against because of your race, color, disability or national origin, you may file a complaint with the Texas Department of Health, Office of Equal Opportunity (OEO) within 180 days from the date of the alleged discriminatory act. OEO may extend the 180 days if good cause is shown. For assistance in completing this form call (512) 458-7627. Please mail complaint back to:

Texas Department of Health  
Office of Equal Opportunity  
1100 West 49<sup>th</sup> Street  
Austin, Texas 78756

Name of complainant:	Race/Ethnic Group/Disability:	City/County where incident occurred:
Address:	Telephone Numbers:  Home: Work:	Date complaint filed:
Charge of discrimination based on:  <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Retaliation <input type="checkbox"/> Disability		
My complaint is against (Name, organization, agency, etc):		
Who discriminated (list of all involved):	Date(s) on which incident occurred:	

I believe I have discriminated against because (use attachment if necessary):


What remedial action would you like to see taken (use attachment if necessary)?


**I certify that the above information is true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

TO BE COMPLETED BY OEO STAFF :

Date complaint received/receiver:	Complaint assigned to:
Action to be taken:	OEO Investigator's Recommendation: